

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

Cr1.O.P.No.22358 of 2019

J.Krishnan

.. Petitioner

/versus/

1.The Deputy Commissioner of Police,
Mylapore, Kutcheri Road, Mylapore,
Chennai - 600 004.

2.The Inspector of Police,
E-2, Police Station, Royapettah,
Chennai - 600 014.

3.Ranganathan

.. Respondents

Prayer: Criminal Original petition filed under Section 482 of Code of Criminal Procedure, praying to direct the 2nd respondent to register an FIR based on the complaint lodged by the petitioner on 17.07.2019 and take further action on the complaint in accordance with law.

For Petitioner :Mr.Venkatesh Mahadevan

For Respondent :Mr.M.Mohamed Riyaz
Additional Public Prosecutor
for R1 and R2

सत्यमेव जयते
O R D E R

This petition has been filed seeking for a direction to the second respondent to register an FIR based on the complaint lodged by the petitioner on 17.07.2019. The allegations made in the complaint is that the petitioner is a financier and he had lent some money to one Venkatachalamoorthy. The said Venkatachalamoorthy had also handed over the title documents of the property, which is situated at Tiruvallur District. The petitioner was making attempts to sell the property and one Krishnakumar and Venkateshan contacted the petitioner and informed him that they have some parties, who are prepared to purchase the property and therefore they requested the petitioner to come over to Chennai for a discussion.

2. The petitioner is said to have come over to Chennai on 17.07.2019 along with his friend Madhidas. They met the above said Krishnakumar and Venkatesan in a lodge at Royapettah. While discussion was going on, all of a sudden ten persons are said to have entered into the lodge and they started pressurising the petitioner to show the original documents. All of a sudden one Mahesh and Raja took out the knife and forcibly grabbed the original title documents and also cash of a sum of Rs.38,000/- that was in the possession of the petitioner. The further allegation made in the complaint is that the petitioner was threatened by all those persons who came to the spot. All of them went away after taking away the documents and the cash in two cars that were parked outside the lodge.

3. The petitioner immediately gave a complaint on 17.07.2019, before the respondent police and the respondent police took the complaint on file and issued CSR.No.442 of 2019.

4. Since no action was taken by the second respondent, the petitioner made a representation on 10.08.2019 to the first respondent bringing to his notice about the entire incident and also the subsequent threat received by the petitioner from a politician. In the said representation, the petitioner requested the first respondent to monitor the investigation and to ensure that the FIR is registered on the complaint given by the petitioner and also to appoint an upright officer in the rank of Assistant Commissioner of Police to investigate the case.

5. The grievance of the petitioner is that neither the second respondent nor the first respondent have taken any action till date and the petitioner is said to be facing serious threat and therefore left with no other option, the present petition has been filed before this Court for a direction to register the FIR.

6. The learned Additional Public Prosecutor, on instructions, submitted that the second respondent is already enquiring the complaint given by the petitioner and within a short time, action will be taken on the complaint.

7. This Court has carefully considered the submissions made on either side and the materials available on record.

8. The complaint given by the petitioner makes out a cognizable offence. The allegations made therein are serious. The second respondent by now should have called the original owner of the property viz., Venkatachala Moorthy and cross verified regarding the documents that are available in the hands of the petitioner and thereafter should have taken an appropriate action in accordance with law. It seems that the

second respondent has not called the Venkatachala Moorthy for an enquiry, inspite of the petitioner willing to make him give his statement before the police.

9. In the facts and circumstances of the case, there shall be a direction to the second respondent immediately to act upon the complaint and proceed further to register an FIR and conduct the investigation in accordance with law.

10. This Criminal Original Petition is disposed of with the above direction.

-s/d-

Assistant Registrar (CS-I)

True Copy

Sub-Assistant Registrar

To

1. The Deputy Commissioner of Police,
Mylapore, Kutcheri Road, Mylapore,
Chennai - 600 004.

2. The Inspector of Police,
E-2, Police Station, Royapettah,
Chennai - 600 014.

3. The Public Prosecutor,
High Court of Madras.

+2 Ccs to Mr. Venkatesh Mahadevan, Advocate sr 73743.



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PVS (CO)
SP (29/08/2019)

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